

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, May 2, 2016, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Oda, Phillips, Schweser, Snee, Terwilliger, Tremblay and Twiss.

Presiding Officer: Martha A. Baker, President of Council

Others Present: Grant D. Kerber, Director of Law
John E. Frigge, Auditor

MINUTES: The Clerk gave a summary of the minutes of the April 18, 2016 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Phillips, seconded by Mr. Kendall, to approve these minutes. Motion passed by unanimous roll call vote.

The Clerk gave a summary of the minutes of the April 25, 2016 special meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Kendall, seconded by Mr. Heath, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Community and Economic Development Committee: Mr. Twiss, Chairman, reported that Committee recommends legislation be prepared approving the following rezoning Ordinances: O-20-2016, O-21-2016, and O-22-2016.

Report signed by Kendall, Schweser and Twiss.

Finance Committee: Mr. Kendall, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to make application for \$150,000 of PY 2016 CDBG funds to be used for the following: \$10,000 Lincoln Community Center Swimming Pool access device & installation; \$40,000 Treasure Island universal accessibility dock & installation; \$85,000 Sidewalk street corner accessibility ramp installations in East Troy; \$3,000 Fair Housing Program; \$12,000 General Administration. Committee noted that the funding includes the 2015 and 2016 allocation.
- 2) Committee recommends legislation be prepared authorizing the following loans from the SBD Revolving Loan Fund, to concession operators for the Marina Building, with the legislation to be emergency measures so that the loans can be closed as soon as possible.
\$26,000 loan to Adventures on the Great Miami, LLC., with a term of three years.
\$152,300 loan to Smith's Boathouse Restaurant, LLC., with a term of ten years. As is permitted at the discretion of Council, committee supports exceeding the guidelines for the SBD Loan Fund amounts and concur with the contingency clause to forgive up to \$49,900 of debt if a D5F Liquor Permit is denied by the State of Ohio.

Reports signed by Schweser, Tremblay and Kendall.

Law & Ordinance Committee: Mr. Schweser gave the oral report that notice has been received for a C2 liquor permit for Olive Oasis, LLC, 7 E. Main Street.

Personnel: Mr. Terwilliger commented that the Mayor has asked for approval of an appointment to the City Beautification Committee. A motion was made by Mr. Terwilliger, seconded by Mr. Kendall, to approve the appointment of Patty Doran to the City Beautification Committee for a term commencing immediately and ending July 1, 2017. Motion passed by unanimous vote.

Recreation and Parks Committee: Mr. Heath, Chairman, reported that a group of local recreational organizations requested that the Council place a 10 year capital property tax levy on the November 8 ballot. The levy would provide some of the funding for the renovation and enhancement of existing and new facility projects within the City of Troy Park System, including the improvement of areas of Duke Park that have not been developed, renovations and maintenance to the Troy Senior Citizens Center, the development of a driving range at the Miami Shores Golf Course, and the renovation of the clubhouse at Miami Shores. The group emphasized that they would be responsible for endorsing, educating, marketing, and campaigning and that the group recognized that the Council would be placing the issue on the ballot at group's request and not as a City-run levy. Prior to the Committee Meeting, there was a workshop on April 25 that included Council, the Board of Park Commissioners and the Troy Recreation Board. The first step in a levy process is Council enacts a Resolution that requests the Miami County Auditor to certify the millage that would be required to support the requested levy. The second step would be for Council to pass an Ordinance to place the question on the November 8 ballot. Committee recommends that legislation be prepared requesting the Miami County Auditor to provide the necessary certification identifying the millage required to generate \$1,000,000 in revenues per year. We also support that the legislation is presented as an emergency measure so that we can then consider the second piece of legislation regarding placing the levy on the ballot. (Copy of entire report attached to original minutes.)

Report signed by Oda, Tremblay and Heath.

CITIZEN COMMENTS: Ed Christ, 128 S. Short Street, stated his opposition to Operation Recreation 2020, stated he felt an annual maintenance cost \$25,000 would be too low, commented that a levy would be the City's responsibility, and asked if a private entity requesting a levy is legal. Mr. Kerber advised that it would be legal.

Vicky Smith, Troy, Ohio, objected to a levy for recreation purposes, and said there should be a list of the taxes paid by Miami County and Troy residents.

RESOLUTION NO. R-21-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE AN APPLICATION FOR THE USE OF PY 2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

This Resolution was given first title reading.

Mr. Tremblay moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Oda, Heath, Phillips, Kendall, Schweser, Twiss, Tremblay, Snee and Terwilliger.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Heath.

Yes: Heath, Phillips, Kendall, Schweser, Twiss, Tremblay, Snee, Terwilliger and Oda.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-22-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO ENTER INTO AN AGREEMENT WITH OHIO COUNCIL 8, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, AND LOCAL 1342 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Heath.

Yes: Phillips, Kendall, Schweser, Twiss, Tremblay, Snee, Terwilliger, Oda and Heath,

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Kendall.

Yes: Kendall, Schweser, Twiss, Tremblay, Snee, Terwilliger, Oda, Heath and Phillips.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-23-2016

RESOLUTION AUTHORIZING THE BOARD OF PARK COMMISSIONERS OF THE CITY OF TROY, OHIO, TO ENTER INTO AN AGREEMENT WITH OHIO COUNCIL 8, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, AND LOCAL 1342 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Schweser, Twiss, Tremblay, Snee, Terwilliger, Oda, Heath, Phillips and Kendall.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Twiss, Tremblay, Snee, Terwilliger, Oda, Heath, Phillips, Kendall and Schweser.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-24-2016

RESOLUTION APPROVING THE APPLICATION OF SMITH'S BOATHOUSE RESTAURANT, LLC FOR ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Tremblay, Snee, Terwilliger, Oda, Heath, Phillips, Kendall, Schweser and Twiss.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Heath.

Yes: Snee, Terwilliger, Oda, Heath, Phillips, Kendall, Schweser, Twiss and Tremblay.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-25-2016

RESOLUTION APPROVING THE APPLICATION OF ADVENTURES ON THE GREAT MIAMI, LLC FOR ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Kendall moved for suspension of rules requiring three readings. Motion seconded by Mr. Phillips.

Yes: Terwilliger, Oda, Heath, Phillips, Kendall, Schweser, Twiss, Tremblay and Snee.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Phillips.

Yes: Oda, Heath, Phillips, Kendall, Schweser, Twiss, Tremblay, Snee and Terwilliger.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-26-2016

RESOLUTION OF NECESSITY DECLARING THE INTENTION TO LEVY AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF FUNDING PARKS AND RECREATIONAL UPGRADES IN THE CITY OF TROY, OHIO AND REQUESTING THE AUDITOR OF MIAMI COUNTY, OHIO FOR CERTIFICATION OF MILLAGE AND DECLARING AN EMERGENCY (SECTIONS 5705.03 AND 5705.19(H) OF THE REVISED CODE)

This Resolution was given first title reading.

Discussion. Mr. Twiss noted that this Resolution is not placing a levy on the ballot, it is only asking for the millage to be certified so the subject of placing a levy on the ballot can be further considered.

Mr. Tremblay moved for suspension of rules requiring three readings. Motion seconded by Mr. Heath.

Yes: Heath, Phillips, Kendall, Schweser, Twiss, Tremblay, Snee, Terwilliger and Oda.

No: None.

Mr. Tremblay moved for adoption. Motion seconded by Mr. Heath.

Yes: Phillips, Kendall, Schweser, Twiss, Tremblay, Snee, Terwilliger, Oda and Heath.

No: None.

RESOLUTION ADOPTED

RESOLUTION IN MEMORIAM, DR. THOMAS D. REDICK, 1950 – 2016. Dr. Redick served as a Member of Troy City Council for five terms, from January 1, 1988 through December 31, 1997, serving at first as the Third Ward Council Member and then as a Councilman-at-Large. Dr. Redick passed away on April 30, 2016. The Resolution was read in entirety. Following a motion to approve the resolution by Mr. Kendall, seconded by Mr. Schweser, it was approved by unanimous roll call vote.

ORDINANCE NO. O-20-2016

ORDINANCE CHANGING THE ZONING OF INLOTS 10578 AND 10579 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY OF TROY ZONING OF A, AGRICULTURAL DISTRICT

This Ordinance was given first title reading on April 4, 2016.

Given Public Hearing and second title reading on April 18, 2016.

Given third title reading.

Mr. Schweser moved for adoption. Motion seconded by Mr. Tremblay.

Yes: Schweser, Twiss, Tremblay, Snee, Terwilliger, Oda, Heath and Kendall.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-21-2016

ORDINANCE CHANGING THE ZONING OF INLOT 10574 IN THE CITY OF TROY, OHIO, FROM THE MIAMI COUNTY ZONING OF R-1AAA, SINGLE-FAMILY, TO THE CITY OF TROY ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT

This Ordinance was given first title reading on April 4, 2016.
Given Public Hearing and second title reading on April 18, 2016.
Given third title reading.

Mr. Phillips moved for adoption. Motion seconded by Mr. Schweser
Yes: Twiss, Tremblay, Snee, Terwilliger, Oda, Heath, Kendall and Schweser.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-22-2016

ORDINANCE CHANGING THE ZONING OF INLOT 9678 (PARCEL NO. D08-105060) IN THE CITY OF TROY, OHIO FROM THE DUAL ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT AND B-2, GENERAL BUSINESS DISTRICT TO THE SINGLE ZONING OF B-2, GENERAL BUSINESS DISTRICT

This Ordinance was given first title reading on April 4, 2016.
Given Public Hearing and second title reading on April 18, 2016.
Given third title reading.

Mr. Phillips moved for adoption. Motion seconded by Mr. Twiss.
Yes: Tremblay, Snee, Terwilliger, Oda, Heath, Kendall, Schweser and Twiss.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-27-2016

ORDINANCE FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.
Yes: Snee, Terwilliger, Oda, Heath, Phillips, Kendall, Schweser, Twiss and Tremblay.
No: None.
Mr. Kendall moved for adoption. Motion seconded by Mr. Tremblay.
Yes: Terwilliger, Oda, Heath, Phillips, Kendall, Schweser, Twiss, Tremblay and Snee.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-28-2016

ORDINANCE CHANGING THE ZONING OF PART OF INLOT 39 (PARCEL NO. DO8-001170) IN THE CITY OF TROY, OHIO FROM B-2, GENERAL BUSINESS DISTRICT, TO R-5, SINGLE FAMILY RESIDENCE DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-29-2016

ORDINANCE CHANGING THE ZONING OF INLOT 8861 (PARCEL NO. DO8-103276) IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO OR-1, OFFICE RESIDENTIAL DISTRICT

This Ordinance was given first title reading.

COMMENTS OF PRESIDENT OF COUNCIL: Mrs. Baker congratulated as follows:

-Congratulated retiring Fire Fighter Michael Watercutter,
-Noted that there are a number of events scheduled for the downtown and at Treasure Island Park in the coming months.

AUDIENCE COMMENTS:

-Brian Kemper, 19 S. Cherry, commented that his organization will not be chalking during the Strawberry Festival or in front of businesses after that event, and are looking at a better way to deliver their message. Regarding a notice received to repair sidewalks, he commented that vehicles with the farmers market and other events are allowed to drive over the curb and cause damage he does not feel the owners should be required to pay for all the replacement costs. He also asked about a longer period to secure his own contractor, noting that with the farmers market, it does not seem that work can be done through the summer.

-Ed Crist, 128 S. Short Street, continued his comments opposing placing a park levy on the ballot, asked if there is an overall plan, questioned the estimate for maintenance, and commented that it would be the City's responsibility and credibility behind any levy.

-Christina Ryan Claypool, a member of the current Leadership Troy class, thanked City officials for their efforts on behalf of the community and citizens.

-Members of the Leadership Troy class introduced themselves.

There being no further business, Council adjourned at 7:47 p.m.

Clerk of Council

President of Council